

ASSEMBLY BILL

No. 2592

Introduced by Assembly Member Leno

February 24, 2006

An act to amend Sections 13995.20, 13995.40, 13995.49, and 13995.54 of the Government Code, relating to California tourism.

LEGISLATIVE COUNSEL'S DIGEST

AB 2592, as introduced, Leno. California Travel and Tourism Commission.

Existing law, the California Tourism Marketing Act, provides for the California Travel and Tourism Commission, a nonprofit mutual benefit corporation, and provides for a 37-member board of the commission, including 12 members appointed by the Governor and 24 elected Members. The 12 appointed members are required to represent the 12 officially designated tourism regions.

This bill would specify that each appointed member of the commission shall represent only one of those designated tourism regions. The bill would also specify that appointed members are not limited to persons who are employed by or represent assessed businesses. The bill would provide that elected commissioners shall serve 4-year terms and that an appointed or elected commissioner would cease to be a commissioner 90 days following the date on which he or she ceases to meet the criteria for appointment or election as a commissioner, except as specified.

Existing law authorizes the commission to accept voluntary assessments from any person in a travel and tourism related business, except persons whose primary business is gaming.

This bill would delete that exception.

Existing law restricts the disclosure of information obtained pursuant to the act by the Secretary of Business, Transportation and Housing.

This bill would make that restriction applicable to the Business, Transportation and Housing Agency.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 13995.20 of the Government Code is
2 amended to read:
3 13995.20. Unless the context otherwise requires, the
4 definitions in this section govern the construction of this chapter.
5 (a) “Appointed commissioner” means a commissioner
6 appointed by the Governor *pursuant to paragraph (2) of*
7 *subdivision (b) of Section 13995.40.*
8 (b) “Assessed business” means a person required to pay an
9 assessment pursuant to this chapter, and until the first assessment
10 is levied, any person authorized to vote for the initial referendum.
11 An assessed business shall not include a public entity or a
12 corporation when a majority of the corporation’s board of
13 directors is appointed by a public official or public entity, or
14 serves on the corporation’s board of directors by virtue of being
15 elected to public office, or both.
16 (c) “Commission” means the California Travel and Tourism
17 Commission.
18 (d) “Elected commissioner” means a commissioner elected
19 pursuant to subdivision (d) of Section 13995.40.
20 (e) “Industry category” means the following classifications
21 within the tourism industry:
22 (1) Accommodations.
23 (2) Restaurants and retail.
24 (3) Attractions and recreation.
25 (4) Transportation and travel services.
26 (f) “Industry segment” means a portion of an industry
27 category. For example, rental cars are an industry segment of the
28 transportation and travel services industry category.

(g) "Office" means the Office of Tourism, also popularly referred to as the Division of Tourism, within the Business, Transportation and Housing Agency.

(h) "Person" means an individual, public entity, firm, corporation, association, or any other business unit, whether operating on a for-profit or nonprofit basis.

(i) "Referendum" means any vote by mailed ballot of measures recommended by the commission and approved by the secretary pursuant to Section 13995.60, except for the initial referendum, which shall consist of measures contained in the selection committee report, discussed in Section 13995.30.

(j) "Secretary" means the Secretary of Business, Transportation and Housing.

(k) "Selection Committee" means the Tourism Selection Committee described in Article 3 (commencing with Section 13995.30).

SEC. 2. Section 13995.40 of the Government Code is amended to read:

13995.40. (a) Upon approval of the initial referendum, the office shall establish a nonprofit mutual benefit corporation named the California Travel and Tourism Commission. The commission shall be under the direction of a board of commissioners, which shall function as the board of directors for purposes of the Nonprofit Corporation Law.

(b) The board of commissioners shall consist of 37 commissioners comprising the following:

(1) The secretary, who shall serve as chairperson.

~~(2) Twelve members, who are professionally active in the tourism industry, representing each of the 12 officially designated tourism regions and diverse elements of the industry, shall be appointed by the Governor. Appointed commissioners are not limited to assessed businesses.~~(A) *Twelve members, who are professionally active in the tourism industry, and whose primary business, trade, or profession is directly related to the tourism industry, shall be appointed by the Governor. Each appointed commissioner shall represent only one of the 12 tourism regions designated by the office, and the appointed commissioners shall be selected so as to represent, to the greatest extent possible, the diverse elements of the tourism*

1 *industry. Appointed commissioners are not limited to individuals*
2 *who are employed by or represent assessed businesses.*

3 *(B)If an appointed commissioner ceases to be professionally*
4 *active in the tourism industry or his or her primary business,*
5 *trade, or profession ceases to be directly related to the tourism*
6 *industry, he or she shall automatically cease to be an appointed*
7 *commissioner 90 days following the date on which he or she*
8 *ceases to meet both of the eligibility criteria specified in*
9 *subparagraph (A), unless the commissioner becomes eligible*
10 *again within that 90-day period.*

11 (3) Twenty-four elected commissioners, including at least one
12 representative of a travel agency or tour operator that is an
13 assessed business.

14 (c) The commission established pursuant to Section 15364.52
15 shall be inoperative so long as the commission established
16 pursuant to this section is in existence.

17 (d) Elected commissioners shall be elected by industry
18 category in a referendum. Regardless of the number of ballots
19 received for a referendum, the nominee for each commissioner
20 slot with the most weighted votes from assessed businesses
21 within that industry category shall be elected commissioner. In
22 the event that an elected commissioner resigns, dies, or is
23 removed from office during his or her term, the commission shall
24 appoint a replacement from the same industry category that the
25 commissioner in question represented, and that commissioner
26 shall fill the remaining term of the commissioner in question. The
27 number of commissioners elected from each industry category
28 shall be determined by the weighted percentage of assessments
29 from that category.

30 (e) The secretary may remove any elected commissioner
31 following a hearing at which the commissioner is found guilty of
32 abuse of office or moral turpitude.

33 (f) *The term of each elected commissioner shall commence*
34 *January 1 of the year next following his or her election, and shall*
35 *expire on December 31 of the fourth year following his or her*
36 *election. If an elected commissioner ceases to be employed by or*
37 *with an assessed business in the category and segment which he*
38 *or she was representing, his or her term as an elected*
39 *commissioner shall automatically terminate 90 days following*
40 *the date on which he or she ceases to be so employed, unless,*

1 *within that 90-day period, the commissioner again is employed*
2 *by or with an assessed business in the same category and*
3 *segment.*

4 (g) With the exception of the secretary, no commissioner shall
5 serve for more than two consecutive terms. *For purposes of this*
6 *subdivision, the phrase “two consecutive terms” shall not*
7 *include partial terms.*

8 ~~(g)~~
9 (h) Except for the original commissioners, all commissioners
10 shall serve four-year terms. One-half of the commissioners
11 originally appointed or elected shall serve a two-year term, while
12 the remainder shall serve a four-year term. Every two years
13 thereafter, one-half of the commissioners shall be appointed or
14 elected by referendum.

15 ~~(h)~~
16 (i) The selection committee shall determine the initial slate of
17 candidates for elected commissioners. Thereafter the
18 commissioners, by adopted resolution, shall nominate a slate of
19 candidates, and shall include any additional candidates
20 complying with the procedure described in Section 13995.62.

21 ~~(i)~~
22 (j) The commissioners shall elect a vice chairperson from the
23 elected commissioners.

24 ~~(j)~~
25 (k) The commission may lease space from the office.

26 ~~(k)~~
27 (l) The commission and the office shall be the official state
28 representatives of California tourism.

29 ~~(l)~~
30 (m) All commission meetings shall be held in California.

31 ~~(m)~~
32 (n) No person shall receive compensation for serving as a
33 commissioner, but each commissioner shall receive
34 reimbursement for reasonable expenses incurred while on
35 authorized commission business.

36 ~~(n)~~
37 (o) Assessed businesses shall vote only for commissioners
38 representing their industry category.

39 ~~(o)~~

(p) Commissioners shall comply with the requirements of the Political Reform Act of 1974 (Title 9 (commencing with Section 81000)). The Legislature finds and declares that commissioners appointed or elected on the basis of membership in a particular tourism segment are appointed or elected to represent and serve the economic interests of those tourism segments and that the economic interests of these members are the same as those of the public generally.

(p)
(q) Commission meetings shall be subject to the requirements of the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1).

(q)
(r) The executive director of the commission shall serve as secretary to the commission, a nonvoting position, and shall keep the minutes and records of all commission meetings.

SEC. 3. Section 13995.49 of the Government Code is amended to read:

13995.49. The commission may by written contract accept a voluntary assessment from any person in a travel and tourism related business who is not an assessed business. The contract shall apply solely to the person in question and not to any other person in a travel and tourism related business who is not an assessed business. The contract shall provide that the voluntary assessment be equivalent to the assessment that would be levied if the person were an assessed business under this chapter, shall permit that business to vote on any referendum conducted under this chapter as if that person were an assessed business, and shall have a term concurrent with the effective period of any referendum on which the person votes. Individual voluntary assessments under this section shall be enforceable only under the terms of the respective contracts to which they pertain. This section shall not be construed to preclude donations to, or cooperative marketing activities of any kind with, the commission. ~~Notwithstanding the foregoing, the commission shall not enter into any contract for a voluntary assessment with a person whose primary business is gaming, as defined in Chapter 10 (commencing with Section 330) of Title 9, Part 1 of the Penal Code, on the part of any person.~~

1 SEC. 4. Section 13995.54 of the Government Code is
2 amended to read:
3 13995.54. Information pertaining to assessed businesses
4 obtained by the secretary *or the Business, Transportation, and*
5 *Housing Agency* pursuant to this chapter is confidential and shall
6 not be disclosed except to a person with the right to obtain the
7 information, any attorney hired by the secretary who is employed
8 to give legal advice upon it, or by court order. Information
9 obtained by the secretary in order to determine the assessment
10 level for an assessed business is exempt from the California
11 Public Records Act (Chapter 3.5 (commencing with Section
12 6250) of Division 7 of Title 1).

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